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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,654	06/28/2001	Manoel Tenorio	020431.0841	6772

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EXAMINER

RIMELL, SAMUEL G

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/895,654

Applicant(s)

TENORIO, MANOEL

Examiner

Sam Rimell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119


- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

  
SAM RIMELL  
PRIMARY EXAMINER

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Tenorio et al. (U.S. Patent 6,708,161).

The reference patent to Tenorio et al. is applicable to the claims of the present invention because it has an earlier effective filing date (9/26/00) as well as a different inventive entity (a different set of inventors). When not all of the inventors are the same between the reference patent and the application, the inventive entity is different, and rejections under 35 USC 102(e) may become applicable (See MPEP 2136.04).

Claim 1: FIG. 1, Global Content Directory (42) functions as the claimed mapping module. As described at col. 6, lines 12-28, the source schema is the relational database (32) operated by a seller. The target schema is the hierarchical directory shown in FIG. 2.

The source schema includes a product ontology, which is a set of product classes (classes of products, such as “Pens”) and product attributes (“product data associated with a product” at col. 5, lines 14-15. For example “ball-point” or “felt-tip” are product attributes of pens).

The target schema (FIG. 2) includes product classes (48, 50) in the hierarchy and product attributes (the descriptors “Indirect Material” and “Direct Material”).

The classes of the source schema and target schema are associated by the use of pointers (col. 6, lines 15-21).

The generated product ontology is the generated list of classes, such as (48), (50), (58), and (60a-60c) shown in FIG. 2.

Claim 2: Column 6, lines 58-64 describe a user making a selection of a class, which is user input indicating a target class that will become associated with a source class in the seller database. The pointers in the system (col. 6, lines 15-21) will then associate the target class to the source class and return search results into the target schema.

Claim 3: FIG.2 illustrates a graphical representation of the taxonomies of the source and target schemas presented together. For example, a target class, such as “Indirect Material” in the target schema is associated with a source class deriving from a seller’s database, such as “Pens”, that corresponds to pen products in the seller’s database. This information is communicated to the user via the graphical interface of FIG. 2.

Claim 4: Classes such as “ball-point”, “felt-tip” and “roller-ball” are leaf classes (leaf nodes) in the schema.

Claim 5: Target classes such as “Indirect Material” (50) and source classes, such as “Pens” will intersect each other in the sense that they are linked by pointers (col. 6, lines 12-28). These pointers will lead to the generation of product ontologies, such as that shown in FIG. 2. The target classes and source classes can also be viewed as intersecting each other by reason that they are related to each other on a hierarchical tree.

Claim 6: FIG. 2 illustrates a parent class, such as “Industry Standard Schema” (46) and a target class, such as “Direct Material” (48). The parent class and target will intersect each other in the sense that they are related to each other on a hierarchical tree.

Claim 7: The seller ontology is the list of products in the seller’s databases (col. 6, line 18), such as ball-point pens or felt-tip pens. Attributes for such products would be, for example,

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“ball-point” or “felt-tip”. The seller ontologies are integrated into the hierarchy of FIG. 2 (items 60a-60b).

Claim 8: Pointers are used to point to products in the seller’s databases (col. 6, lines 12-28). The pointers will create associations between target classes, such as “Indirect Material” and classes of products in the seller’s databases, such as “Pens”.

Claim 9: See remarks for claim 1.

Claim 10: See remarks for claim 2.

Claim 11: See remarks for claim 3.

Claim 12: See remarks for claim 4.

Claim 13: See remarks for claim 5.

Claim 14: See remarks for claim 6.

Claim 15: See remarks for claim 7.

Claim 16: See remarks for claim 8.

Claim 17: See remarks for claim 1.

Claim 18: See remarks for claim 2.

Claim 19: See remarks for claim 3.

Claim 20: See remarks for claim 4.

Claim 21: See remarks for claim 5.

Claim 22: See remarks for claim 6.

Claim 23: See remarks for claim 7.

Claim 24: See remarks for claim 8.

Claim 25: See remarks for claim 1.

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Claim 26: See remarks for claim 1-3 and 8.

Claim 27: See remarks for claims 1-3 and 8.

Claim 28: See remarks for claims 1-3 and 8.

Consideration of Declaration Submitted under 37 CFR 1.132

In order to overcome the rejection under 35 USC 102(e), applicant has submitted a declaration under 37 CFR 1.132. In order for such declaration to be effective, applicant must provide such facts and evidence that the applicant of the present application and the applicant of the subject matter relied upon for rejection were invented by the same applicant. The information supplied in the declaration under 37 CFR 1.132 is not found to provide such evidence for two reasons:

(1) In section (4) of the declaration, the applicant states that he is: (a) sole inventor of the subject matter which is disclosed in U.S. Patent No. 6,708,161 and; (b) which is claimed in the claims of the above referenced application. The first statement, (a), is not correct, as U.S. Patent 6,708,161 clearly lists a co-inventor. The second statement, (b), is moot, as the rejection under 35 USC 102(e) does not rely on the claims of any application in order to make the rejection. If the applicant were the sole inventor of certain claims, as stated, it would not have any use in overcoming the rejection, since claims are not being relied upon to make the rejection.

(2) The declaration is also unclear when it refers to "the above application". This could either be the present application 09/895,654 or US Published Application 2002/0083048. Regardless of which application is referenced, the statement is moot. It is already established that applicant is the sole inventor of the claims in 09/895,654. If applicant were the sole inventor of

the claims in US 2002/0083048, this statement would also be moot, as these claims are not being relied upon to make the rejection under 35 USC 102(e).

In order for applicant to overcome the rejection under 35 USC 102(e) applicant would have to establish that he was the sole inventor of the subject matter being relied upon in the rejection, namely FIGS. 1 and 2 and the cited text from U.S. Patent 6,708,161 used in the rejection. Applicant would have to both state such an assertion and prove such assertion by factual evidence.

#### Remarks

Applicant's remarks are directed to the consideration of the declaration under 37 CFR 1.132, which is fully addressed above.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.

A handwritten signature in black ink, appearing to read 'S. Rimell', written in a cursive style.

Sam Rimell  
Primary Examiner  
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